

TRULINCS 65469060 - ELDER, PPASSIM - Unit: BRO-J-A

FROM: 65469060

TO:

SUBJECT: Elder 18-cr-92 (WFK): Open case issues

DATE: 09/04/2021 02:05:43 PM

September 4, 2021

The Honorable Judge Kuntz
US District Courthouse -- EDNY
225 Cadman Plaza
Brooklyn, New York 11201

Dear Judge:

I am writing directly to the Court about several issues/alternatives that are disturbing on the eve of trial.

I have been having short/intermittent meetings with CJA counsel and their team. The general sense that has been conveyed to me, without applying my own analysis, is that they are not prepared for trial to begin this month. I find it disheartening to know that this close to trial, the CJA team is not polishing their final assessments of witnesses, evidence, and trial strategy; instead they are scrambling to determine all of the above as if they were assigned yesterday. In that light, there is no chance that last minute discovery production by the government, including incremental Jenks materials would even be reviewed, analyzed, investigated (if required), and ultimately, applied to a cogent defense.

As such -- I am asking Your Honor to re-consider my previous request for counsel to be replaced, so I can have a CJA team assigned that will spend the appropriate time in preparation (all aspects as expected) -- and fight for the case-critical issues (i.e. - reasonable access to Jenks materials and related Brady and Giglio production). At this point, this has not appropriately occurred.

In the alternative, if the Court would prefer that I proceed with current CJA counsels and team, I am re-requesting that Your Honor set a delay to the start date for trial, so a legitimate strategy can be initiated for such a dynamic, complex case.

I apologize for raising these issues at this late of a date, but the reality at MDC has also delayed any reasonable access to both counsel and discovery materials. Further obstructing preparations this past week, one of my counsel meetings was terminated after approximately one-hour because co-defendant's counsels requested their client be retrieved for their-own meeting. As such -- my meeting was terminated. This is far from a conducive preparation environment; clearly inarguable. As I am sure the Courts are aware, there has been a tremendous staff shortage at MDC while the inmate population has increased 50% since February 2021 (in part because of the absorption of the GEO/Queens inmates and, likewise, MCC's closure). We have been subjected to the continuation of 21-24 per day lockdowns without access to the one discovery computer in my unit that is shared with over 100 other inmates. This has delayed my own abilities to prepare for CJA counsel meetings, as well. The conditions which reached national BOP Director Carvajal's attention (prompting a recent MDC building-wide inspection personally) have reached unmitigated lows. There appears to be no particular end-date for the disasters within; certainly not making any of the necessary trial preparation issues convenient on the eve of trial.

I appreciate Your Honor's time and considerations with this request.

Sincerely, Ppassim Elder



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BROOKLYN OFFICE



Passim Elder #65469060

M.D.C

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Brooklyn NY, 11232

Pro Se desk

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8 SEP 2021



Attn: Judge William ~~W~~ Kuntz

225 Cadman Plaza

Eastern District New York

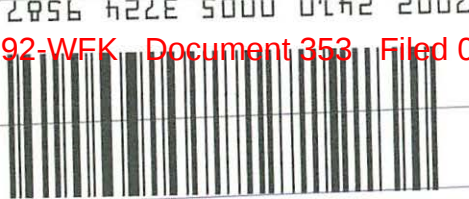
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Kuntz



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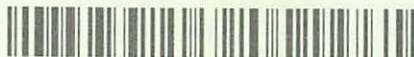
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